

AMENDED IN SENATE MARCH 25, 2008

AMENDED IN SENATE FEBRUARY 26, 2008

**SENATE BILL**

**No. 1107**

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**Introduced by Senator Correa**

January 16, 2008

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An act to amend Sections 798.34 and 799.9 of, and to add Sections 798.29.6 and 799.11 to, the Civil Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 1107, as amended, Correa. Mobilehome parks: handicapped facilities: caregivers.

~~Existing law~~

*The Mobilehome Residency Law* governs residency in mobilehome parks and includes provisions that are applicable to those who have an ownership interest in a subdivision, cooperative, or condominium for mobilehomes, or a resident-owned mobilehome park, as specified. Among other things, these provisions set forth the rights of residents and homeowners regarding the use of the property.

This bill would require the management of a mobilehome park to permit a homeowner or resident to install handicapped facilities *to accommodate the disabled* on the home or the site, lot, or space on which the mobilehome is located, under specified conditions.

Existing law authorizes a homeowner who is 55 years of age or older and has a tenancy in a mobilehome park under a rental agreement to share his or her mobilehome with any person over 18 years of age if that person is providing live-in health care or live-in supportive care to the homeowner pursuant to a written treatment plan prepared by the homeowner's physician, and prohibits the management of the mobilehome park from charging a fee for that person. A similar

provision applies if the homeowner has an ownership interest in a subdivision, cooperative, or condominium for mobilehomes, or a resident-owned mobilehome park in which the homeowner's mobilehome is located and a person provides live-in health care, live-in supportive care, or supervision to the homeowner. The person providing care or supervision does not have rights of tenancy in the mobilehome park.

This bill would expand those provisions to apply to any homeowner without regard to age.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 798.29.6 is added to the Civil Code, to  
2 read:

3 798.29.6. The management shall not prohibit a homeowner or  
4 resident from installing facilities *to accommodate the disabled* on  
5 the home or the site, lot, or space on which the mobilehome is  
6 located, including, but not limited to, ramps or handrails on the  
7 outside of the home ~~to accommodate the disabled~~, as long as the  
8 installation of those facilities complies with code, as determined  
9 by an enforcement agency, and those facilities are installed  
10 pursuant to a permit, if required for the installation, issued by the  
11 enforcement agency.

12 SEC. 2. Section 798.34 of the Civil Code is amended to read:

13 798.34. (a) A homeowner shall not be charged a fee for a guest  
14 who does not stay with him or her for more than a total of 20  
15 consecutive days or a total of 30 days in a calendar year. A person  
16 who is a guest, as described in this subdivision, shall not be  
17 required to register with the management.

18 (b) A homeowner who is living alone and who wishes to share  
19 his or her mobilehome with one person may do so, and a fee shall  
20 not be imposed by management for that person. The person shall  
21 be considered a guest of the homeowner and any agreement  
22 between the homeowner and the person shall not change the terms  
23 and conditions of the rental agreement between management and  
24 the homeowner. The guest shall comply with the provisions of the  
25 rules and regulations of the mobilehome park.

1 (c) A homeowner may share his or her mobilehome with any  
2 person over 18 years of age if that person is providing live-in health  
3 care or live-in supportive care to the homeowner pursuant to a  
4 written treatment plan prepared by the homeowner's physician. A  
5 fee shall not be charged by management for that person. That  
6 person shall have no rights of tenancy in the park, and any  
7 agreement between the homeowner and the person shall not change  
8 the terms and conditions of the rental agreement between  
9 management and the homeowner. That person shall comply with  
10 the rules and regulations of the mobilehome park.

11 (d) A senior homeowner who resides in a mobilehome park that  
12 has implemented rules or regulations limiting residency based on  
13 age requirements for housing for older persons, pursuant to Section  
14 798.76, may share his or her mobilehome with any person over  
15 18 years of age if this person is a parent, sibling, child, or  
16 grandchild of the senior homeowner and requires live-in health  
17 care, live-in supportive care, or supervision pursuant to a written  
18 treatment plan prepared by a physician and surgeon. Management  
19 may not charge a fee for this person. Any agreement between the  
20 senior homeowner and this person shall not change the terms and  
21 conditions of the rental agreement between management and the  
22 senior homeowner. Unless otherwise agreed upon, park  
23 management shall not be required to manage, supervise, or provide  
24 for this person's care during his or her stay in the mobilehome  
25 park. This person shall have no rights of tenancy in the park, but  
26 shall comply with the rules and regulations of the mobilehome  
27 park. A violation of the mobilehome park rules and regulations by  
28 this person shall be deemed a violation of the rules and regulations  
29 by the homeowner pursuant to subdivision (d) of Section 798.56.  
30 As used in this subdivision, "senior homeowner" means a  
31 homeowner who is 55 years of age or older.

32 SEC. 3. Section 799.9 of the Civil Code is amended to read:

33 799.9. (a) A homeowner may share his or her mobilehome  
34 with any person 18 years of age or older if that person is providing  
35 live-in health care, live-in supportive care, or supervision to the  
36 homeowner pursuant to a written treatment plan prepared by a  
37 physician and surgeon. A fee shall not be charged by management  
38 for that person. That person shall have no rights of tenancy in, and  
39 shall comply with the rules and regulations of, the subdivision,

1 cooperative, or condominium for mobilehomes, or resident-owned  
2 mobilehome park.

3 (b) A senior homeowner who resides in a subdivision,  
4 cooperative, or condominium for mobilehomes, or a  
5 resident-owned mobilehome park, that has implemented rules or  
6 regulations limiting residency based on age requirements for  
7 housing for older persons, pursuant to Section 799.5, may share  
8 his or her mobilehome with any person 18 years of age or older if  
9 this person is a parent, sibling, child, or grandchild of the senior  
10 homeowner and requires live-in health care, live-in supportive  
11 care, or supervision pursuant to a written treatment plan prepared  
12 by a physician and surgeon. A fee shall not be charged by  
13 management for that person. Unless otherwise agreed upon, the  
14 management shall not be required to manage, supervise, or provide  
15 for this person's care during his or her stay in the subdivision,  
16 cooperative, or condominium for mobilehomes, or resident-owned  
17 mobilehome park. That person shall have no rights of tenancy in,  
18 and shall comply with the rules and regulations of, the subdivision,  
19 cooperative, or condominium for mobilehomes, or resident-owned  
20 mobilehome park. As used in this subdivision, "senior homeowner"  
21 means a homeowner or resident who is 55 years of age or older.

22 SEC. 4. Section 799.11 is added to the Civil Code, to read:

23 799.11. The ownership or management shall not prohibit a  
24 homeowner or resident from installing facilities *to accommodate*  
25 *the disabled* on the home or the site, lot, or space on which the  
26 mobilehome is located, including, but not limited to, ramps or  
27 handrails on the outside of the home, ~~to accommodate the disabled,~~  
28 as long as the installation of those facilities complies with code,  
29 as determined by an enforcement agency, and those facilities are  
30 installed pursuant to a permit, if required for the installation, issued  
31 by the enforcement agency.

32 SEC. 5. Sections 1 and 4 of this act are nonexclusive and shall  
33 not be construed to supersede other provisions of law relating to  
34 accessibility or accommodations for the disabled.